

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CASE MANAGEMENT ORDER NO. 1
REGARDING INITIAL STATUS CONFERENCE

I. Initial Status Conference

A. Date. This matter is **SET** for a status conference on **Tuesday, April 14, 2015, at 1:30 P.M.**, in Courtroom 5A at the Hugo L. Black United States Courthouse, 1729 5th Avenue North, Birmingham, Alabama.

B. Attendance. To minimize costs and facilitate a manageable conference, parties are not required to attend the conference, and parties with similar interests are expected to agree to the extent practicable on a single attorney to act on their joint behalf at the conference. A party will not, by designating an attorney to represent its interests at the conference, be precluded from other representation during the litigation. Counsel for persons or entities who currently are not named as parties, but may be later joined as parties or are parties in related litigation pending in other federal and state courts, are welcome to attend the conference.

C. Service List and Other Participants. Counsel who have registered with the Clerk of Court in this district for CM/ECF Electronic Noticing and CM/ECF Electronic Filing will receive electronic notice of this Order. The court **requests** such counsel to forward this Order to other attorneys who should be notified of the conference but who may not be registered for E-Noticing and E-Filing.

D. Preparation for Conference.

(1) **Meeting of Counsel.** Before the conference, counsel for Plaintiffs and counsel for Defendant **SHALL** confer and seek consensus to the extent possible regarding a tentative agenda for the conference, including a listing of pending motions the parties may wish to propose for early consideration. On or before **Tuesday, March 31, 2015**, counsel **SHALL** submit the proposed joint agenda **via email** to the undersigned's chambers at the following address: bowdre_chambers@alnd.uscourts.gov.

(2) **Joint Preliminary Report.** On or before **Tuesday, March 31, 2015**, counsel for Plaintiffs and counsel for Defendant **SHALL** submit to the undersigned **via email** to chamber's email address, a *joint* and concise written report indicating their preliminary understanding of the facts involved in the litigation and what they expect to be the critical factual and legal issues. The status report should not be used to argue the party's case, or to present all possible legal theories. Instead, the report should apprise the court of the case and current issues affecting trial preparation. These statements will not be filed with the Clerk, will not be binding, will not waive other claims or defenses, may not be offered in evidence against a party in later proceedings, and should not be presented as argument. To the extent feasible, the statements of parties with similar interests should be consolidated and submitted in a single section.

(a) **List of Pending Motions.** The joint preliminary report should briefly summarize—but not argue—the nature of pending motions and the parties’ respective positions regarding the motions.

(b) **Rule 16 Schedule.** The parties **SHALL** confer and seek consensus to the extent possible regarding a proposed Rule 16 schedule for deadlines, and include that proposed schedule in the joint preliminary report due on or before **Tuesday, March 31, 2015**. The parties **SHALL** notify the court of any parallel litigation currently pending in other courts.

(c) **Settlement.** As part of the status report, parties should consider the prospects for settlement of this matter and **SHALL** report their efforts to do so. Also as part of the status report, parties shall notify the court whether they are agreeable to submitting this case to mediation.

(3) **Lead and Liaison Counsel; Steering Committees.** Attorneys interested in serving as Lead, Liaison, or Coordinating Counsel or on a committee of counsel to assist in coordination and management of the litigation, including temporary Lead, Liaison, or Coordinating Counsel, **SHALL** also submit to the undersigned **via email** on or before **Tuesday, March 31, 2015** a request for appointment. The request should contain information outlining counsel’s experience in similar cases and any prior appointment to such position; how and at what rates counsel will expect to be compensated or reimbursed for services rendered to other parties and counsel; and what agreements or commitments, if any, they have made respecting the role and responsibility of other attorneys in conducting pretrial proceedings, discovery, and trial.

II. Responsive Pleading, Motions, and Discovery

A. STAY. As noted above, the MDL Proceedings are set for a status conference on **Tuesday, April 14, 2015**. Pending that status conference, deadlines for responsive pleadings, outstanding discovery, motions practice in the MDL Proceedings, and any tag-along or directly filed actions over which this court acquires jurisdiction, are **STAYED**. No further discovery shall be initiated, and no pleadings or motions or responses shall be filed, until further order of this court.

B. Preservation of Documents. Each party **SHALL** take reasonable steps to preserve documents and other records, including electronic documents, containing information potentially relevant to the subject matter of this litigation.

III. Miscellaneous

A. Master Docket and Captions. The Clerk of Court will maintain a master docket case file under Case No. 15-222 captioned *In Re: Community Health Systems, Inc. Customer Security Data Breach Litigation*, with the identification “MDL 2595.” When a pleading is intended to be applicable to all actions, this intent shall be indicated by the words “This Document Relates to All Cases,” as demonstrated by the caption of this Order. Such a pleading **SHALL** only be filed in the master docket. When a pleading is intended to apply only to a specific case, it **SHALL** be filed in *both* the specific case *and* in the master docket with the words “This Document Relates Only to Case [listing the individual case number]” in the caption.

B. Admission of Counsel. The court **PERMITS** attorneys in this case who are admitted to practice and in good standing in any United States District Court to appear *pro hac vice* in this litigation, without need for any other motion, order, or payment of fee. Association

of local counsel is not required. All counsel participating in this litigation, to the extent not already registered, are **DIRECTED** to contact the Clerk of Court to register with *this court* for CM/EDF Electronic Noticing and CM/ECF Electronic Filing. All counsel are responsible for reading and complying with the court's local rules and all orders in this case.

C. Motions. Prior to filing in this case any motion (other than a dispositive motion or a motion to remand), moving counsel **SHALL** contact the opposing counsel and determine if counsel will oppose the motions. All motions **SHALL** include, in the caption under the case number, a notation that the motion is either "Opposed" or "Unopposed."

D. Court Website. The court directs counsel to review materials available at www.alnd.uscourts.gov under court information for Judge Bowdre. The court specifically points counsel to the court's "Expectation of Counsel."

DONE and ORDERED this 13th day of February, 2015.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE